

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IMZE YILDIZ,

Plaintiff,

-against-

POLICE OFFICER ANTHONY EGAN, POLICE OFFICER  
KIDERT JEAN-MARY, POLICE OFFICER JEFF  
ANDERSON, POLICE OFFICER JOHN DOE, POLICE  
SERGEANT MICHAEL CAPPELLO, POLICE SERGEANT  
JOHN DOE AND THE CITY OF NEW YORK,

Defendants.  
----- X

**STIPULATION AND  
ORDER OF  
SETTLEMENT OF  
ATTORNEY'S FEES,  
EXPENSES, AND COSTS**

12 CV 44 (ENV) (RLM)

**WHEREAS**, plaintiff Imze Yildiz commenced this action by filing a complaint on or about January 4, 2012, alleging that defendants City, Officer Kidert Jean-Mary, Officer Jeff Anderson and Sergeant Michael Cappello violated his federal civil and state common law rights; and

**WHEREAS**, plaintiff accepted defendant City's Rule 68 Offer; and

**WHEREAS**, all defendants deny any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Mark Geisser, Esq.; and

**WHEREAS**, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Mark Geisser, Esq., the total sum of Forty-Seven Thousand (\$47,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

2. In consideration for the payment of Forty-Seven Thousand (\$47,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City, Officer Jean-Mary, Officer Anderson and Sergeant Cappello; their successors or assigns; or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

LAW OFFICE OF MARK GEISSER  
*Attorneys for Plaintiff*  
301 East 47th Street, 10P  
New York, NY 10017  
(646) 408-5118

By: \_\_\_\_\_

Mark Geisser  
*Attorney for Plaintiff*

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City, Jean-Mary,  
Anderson and Cappello*  
100 Church Street, 3<sup>rd</sup> Floor  
New York, New York 10007

By: \_\_\_\_\_

Liza J. Sohn  
*Assistant Corporation Counsel*

SO ORDERED:

Dated: New York, New York  
\_\_\_\_\_, 2015

\_\_\_\_\_  
HON. ERIC N. VITALIANO  
UNITED STATES DISTRICT JUDGE

**GENERAL RELEASE**

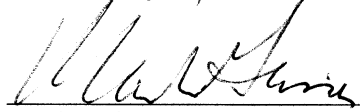
KNOW THAT I, Mark Geisser, Esq., plaintiff's counsel in the action entitled Imze Yildiz v. The City of New York, et al., 12-CV-44 (ENV)(RLM), 12 CV 44(ENV) (RLM), in consideration of the payment of Forty-Seven Thousand (\$47,000.00) Dollars by the City of New York pursuant to the Stipulation and Order of Dismissal of Attorneys' Fees, Expenses, and Costs dated March 4, 2015, does hereby release and discharge the defendants City, Officer Jean-Mary, Officer Anderson and Sergeant Cappello; their successors or assigns, or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, costs, and expenses that were or could have been alleged in the aforementioned action.

**THIS RELEASE MAY NOT BE CHANGED ORALLY.**

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE**

**AND FULLY UNDERSTANDS IT.**

IN WITNESS WHEREOF, I have executed this Release this 4<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Mark Geisser, Esq.

STATE OF New York COUNTY OF Richmond SS.:

On March 4, 2015 before me personally came Mark Geisser, Esq., to me known, and known to me to be the individual described in, and who executed the foregoing RELEASE, and duly acknowledged to me that she/he executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC

VINCENT A. ALBINO  
Notary Public, State of New York  
No. 02415078840  
Qualified in Richmond County  
Commission Expires June 9, 2015

**GENERAL RELEASE**

KNOW THAT I, Imze Yildiz, date of birth April 14, 1969 Social Security No. 102-82-4879, plaintiff in the action entitled Imze Yildiz v. The City of New York, et al., 12-CV-44 (ENV)(RLM), 12 CV 44(ENV) (RLM), having taken a judgment against the City of New York in the aforementioned action on October 31, 2014, have assigned my rights to attorneys' fees, expenses, and costs in the aforementioned action to my attorney, Mark Geisser, Esq., and do hereby release and discharge the defendants City, Officer Jean-Mary, Officer Anderson and Sergeant Cappello; their successors or assigns; or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, costs, and expenses that were or could have been alleged in the aforementioned action.

**THIS RELEASE MAY NOT BE CHANGED ORALLY.**

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE**

**AND FULLY UNDERSTANDS IT.**

IN WITNESS WHEREOF, I have executed this Release this 4<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Imze Yildiz

STATE OF New York COUNTY OF Richmond SS.:

On March 4, 2015 before me personally came Imze Yildiz, to me known, and known to me to be the individual described in, and who executed the foregoing RELEASE, and duly acknowledged to me that she/he executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC

VINCENT A. ALBINO  
Notary Public, State of New York  
No. 02AL5076640  
Qualified in Richmond County  
Commission Expires June 9, 2015

Form **W-9**  
(rev. August 2013)  
Department of the Treasury  
Internal Revenue Service

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type  
See Specific Instruction on page 2.

Name (as shown on your income tax return) <b>Mark Geisser</b>	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification: <input checked="" type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
Address (number, street, and apt. or suite no.) <b>301 East 47th Street, Apt 10P</b>	Requester's name and address (optional)
City, state, and ZIP code <b>NY NY 10017</b>	
List account number(s) here (optional)	

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instruction on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How* to get a TIN on page 3.

#### Social security number

117-52-1324

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

#### Employer identification number

\_\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶ <b>Mark Geisser</b>	Date ▶ <b>3-4-2015</b>
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** The IRS has created a page on [irs.gov](http://irs.gov) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.